

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:17-cv-03391-PAE**

American Civil Liberties Union et al v. Department of Defense
et al
Assigned to: Judge Paul A. Engelmayer
Cause: 05:552 Freedom of Information Act

Date Filed: 05/08/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**American Civil Liberties Union**

represented by **Anna Natalia Diakun**
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Plaintiff**American Civil Liberties Union
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V.

Defendant**Department of Defense**

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Defendant

Central Intelligence Agency

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Defendant

Department of Justice

represented by **Elizabeth Tulis**
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Defendant

Department of State

represented by **Elizabeth Tulis**
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TERMINATED: 11/03/2017

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/08/2017	<u>1</u>	COMPLAINT against Central Intelligence Agency, Department of Defense, Department of Justice, Department of State. (Filing Fee \$ 400.00, Receipt Number 0208–13632895) Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Shamsi, Hina) (Entered: 05/08/2017)
05/08/2017	<u>2</u>	CIVIL COVER SHEET filed. (Shamsi, Hina) (Entered: 05/08/2017)
05/08/2017	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Defense, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Shamsi, Hina) (Entered: 05/08/2017)
05/08/2017	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Central Intelligence Agency, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Shamsi, Hina) (Entered: 05/08/2017)
05/08/2017	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Shamsi, Hina) (Entered: 05/08/2017)

05/08/2017	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of State, re: <u>1</u> Complaint,. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Shamsi, Hina) (Entered: 05/08/2017)
05/08/2017	<u>7</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Shamsi, Hina) (Entered: 05/08/2017)
05/08/2017	<u>8</u>	NOTICE OF APPEARANCE by Brett Max Kaufman on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation. (Kaufman, Brett) (Entered: 05/08/2017)
05/08/2017	<u>9</u>	NOTICE OF APPEARANCE by Anna Natalia Diakun on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 05/08/2017)
05/09/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Paul A. Engelmayer. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (kl) (Entered: 05/09/2017)
05/09/2017		Magistrate Judge Ronald L. Ellis is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (kl) (Entered: 05/09/2017)
05/09/2017		Case Designated ECF. (kl) (Entered: 05/09/2017)
05/09/2017	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Department of Defense. (kl) (Entered: 05/09/2017)
05/09/2017	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to Central Intelligence Agency. (kl) (Entered: 05/09/2017)
05/09/2017	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to Department of Justice. (kl) (Entered: 05/09/2017)
05/09/2017	<u>13</u>	ELECTRONIC SUMMONS ISSUED as to Department of State. (kl) (Entered: 05/09/2017)
05/18/2017	<u>14</u>	NOTICE OF APPEARANCE by Elizabeth Tulis on behalf of Central Intelligence Agency, Department of Defense, Department of Justice, Department of State. (Tulis, Elizabeth) (Entered: 05/18/2017)
06/14/2017	<u>15</u>	ANSWER to <u>1</u> Complaint,. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State.(Tulis, Elizabeth) (Entered: 06/14/2017)
06/14/2017	<u>16</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 6/28/2017 at 05:00 PM in Courtroom 1305, U.S. Courthouse, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer, and as further set forth in this Order. (Signed by Judge Paul A. Engelmayer on 6/14/2017) (rjm) (Entered: 06/15/2017)
06/21/2017	<u>17</u>	JOINT LETTER addressed to Judge Paul A. Engelmayer from Elizabeth Tulis dated June 21, 2017 re: Initial Conference. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State.(Tulis, Elizabeth) (Entered: 06/21/2017)
06/22/2017		NOTICE of Hearing: Initial Conference set for 6/28/2017 at 03:00 PM in Courtroom 1305, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer. The conference previously scheduled for 5:00 PM is hereby rescheduled for 03:00 PM . Notice entered by Courtroom Deputy A.J. Smallman. (ajs) (Entered: 06/22/2017)

06/22/2017	<u>18</u>	AFFIDAVIT OF SERVICE (FOIA CASE). Central Intelligence Agency served on 5/11/2017, answer due 6/12/2017. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 06/22/2017)
06/22/2017	<u>19</u>	AFFIDAVIT OF SERVICE (FOIA CASE). Department of Defense served on 5/11/2017, answer due 6/12/2017. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 06/22/2017)
06/22/2017	<u>20</u>	AFFIDAVIT OF SERVICE (FOIA CASE). Department of Justice served on 5/11/2017, answer due 6/12/2017. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 06/22/2017)
06/22/2017	<u>21</u>	AFFIDAVIT OF SERVICE (FOIA CASE). Department of State served on 5/11/2017, answer due 6/12/2017. Service was made by Mail. Document filed by American Civil Liberties Union; American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 06/22/2017)
06/22/2017	<u>22</u>	AFFIDAVIT OF SERVICE of Summons served on Jefferson B. Sessions, III, Attorney General of the United States on 5/11/2017. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 06/22/2017)
06/22/2017	<u>23</u>	AFFIDAVIT OF SERVICE of Summons served on United States Attorney for the Southern District of New York on 5/11/2017. Service was made by Mail. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 06/22/2017)
06/28/2017		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Initial Pretrial Conference held on 6/28/2017. Anna Diakun, Brett Kaufman & Hani Shamsi present for Plaintiff. Elizabeth Tulis present for Defendants. Court reporter present. (ajs) (Entered: 06/28/2017)
06/30/2017	<u>24</u>	LETTER addressed to Judge Paul A. Engelmayer from Elizabeth Tulis dated June 30, 2017 re: scheduling order. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Text of Proposed Order – The Government's Proposed Scheduling Order)(Tulis, Elizabeth) (Entered: 06/30/2017)
06/30/2017	<u>25</u>	LETTER addressed to Judge Paul A. Engelmayer from Brett Max Kaufman dated 06/30/2017 re: Proposed Scheduling Order. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Kaufman, Brett) (Entered: 06/30/2017)
07/05/2017	<u>26</u>	SCHEDULING ORDER: The Court hereby ORDERS as follows: By July 31, 2017, the defendants shall complete all searches, or issue Glomar responses to the extent defendants assert such responses are applicable, in response to the ACLU's Request. By August 9, 2017, the parties will submit a joint status report; and as further set forth herein. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 7/5/2017) (anc) (Entered: 07/05/2017)
08/09/2017	<u>27</u>	LETTER addressed to Judge Paul A. Engelmayer from Elizabeth Tulis dated August 9, 2017 re: Status Report and Proposed Schedule. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State.(Tulis, Elizabeth) (Entered: 08/09/2017)
08/17/2017	<u>28</u>	MEMO ENDORSEMENT: on re: <u>27</u> Letter filed by Department of Defense, Department of State, Central Intelligence Agency, Department of Justice. ENDORSEMENT: Granted. For substantially the reasons stated in the letter above, the Court adopts the deadlines proposed by the parties. The ALCU's pre-motion letter regarding the Glomar issue is due on September 1, 2017. The CIA's letter in response is due on September 11, 2017. The pre-motion conference will be held on September 18, 2017 at 11:00 a.m. The Court directs the remaining defendants to comply with the agreed-upon and above described obligations (1) to produce or withhold records by November 17, 2017, (2) to provide descriptions of withheld records by November 27, 2017, and (3) to meet and confer by December 8, 2017. The remaining defendants

		should submit pre-motion letters regarding their FOIA compliance by December 15, 2017. By December 22, 2017, the ACLU should submit responses, if any, to those letters, as well as provide grounds for any anticipated cross-motion for summary judgment. The Court reminds the parties that all pre-motion letters for summary judgment should comply with its Individual Rule 3(H), except as otherwise stated in this order. SO ORDERED., (Pre-Motion Conference set for 9/18/2017 at 11:00 AM before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 8/17/2017) (ama) (Entered: 08/17/2017)
09/01/2017	<u>29</u>	LETTER addressed to Judge Paul A. Engelmayer from Brett Max Kaufman dated September 1, 2017 re: Anticipated Motion for Partial Summary Judgment Against Defendant Central Intelligence Agency. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Kaufman, Brett) (Entered: 09/01/2017)
09/07/2017	<u>30</u>	NOTICE OF APPEARANCE by Rebecca Sol Tinio on behalf of Central Intelligence Agency, Department of Defense, Department of Justice, Department of State. (Tinio, Rebecca) (Entered: 09/07/2017)
09/11/2017	<u>31</u>	LETTER addressed to Judge Paul A. Engelmayer from Elizabeth Tulis and Rebecca Tinio dated September 11, 2017 re: Anticipated Cross-Motion and Opposition to the ACLU's Anticipated Motion for Partial Summary Judgment. Document filed by Central Intelligence Agency.(Tulis, Elizabeth) (Entered: 09/11/2017)
09/14/2017		NOTICE of Hearing: Pre-Motion Conference set for 9/18/2017 at 03:45 PM in Courtroom 1305, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer. The conference, previously scheduled for 11:00 AM, is hereby rescheduled to 03:45 PM . Notice entered by Courtroom Deputy A.J. Smallman.(ajs) (Entered: 09/14/2017)
09/15/2017		NOTICE of Hearing: Pretrial Conference set for 9/18/2017 at 04:15 PM in Courtroom 1305, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer. Due to a scheduling conflict, the conference is adjourned to 04:15 PM . Notice entered by Courtroom Deputy A.J. Smallman.(ajs) (Entered: 09/15/2017)
09/18/2017		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Pre-Motion Conference held on 9/19/2017. Anna Natalia Diakun, Brett Max Kaufman & Hina Shamsi present for Plaintiff. Elizabeth Tulis & Rebecca Tinio present for Defendants. Court reporter present. (ajs) (Entered: 09/19/2017)
09/19/2017	<u>32</u>	ORDER: The ACLU's partial summary judgment motion regarding the CIA's Glomar response is due on October 11, 2017; the CIA's response to the ACLU's summary judgment motion and any cross motions are due on November 2, 2017; the ACLU's reply in support of its summary judgement motion and response to any cross motions are due on November 17, 2017; the CIA's reply in support its cross motions is due on December 1, 2017. Oral argument on these motions will be held on December 12, 2017 at 11:30 a.m. in Courtroom 1305 at the Thurgood Marshall U.S. Courthouse, 40 Centre Street, New York, New York 10007. SO ORDERED. (Cross Motions due by 11/2/2017. Motions due by 10/11/2017. Responses due by 11/17/2017. Replies due by 12/1/2017. Oral Argument set for 12/12/2017 at 11:30 AM in Courtroom 1305, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 9/19/2017) (anc) (Entered: 09/19/2017)
09/28/2017	<u>33</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 9/18/2017 before Judge Paul A. Engelmayer. Court Reporter/Transcriber: Michael McDaniel, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/19/2017. Redacted Transcript Deadline set for 10/30/2017. Release of Transcript Restriction set for 12/27/2017.(McGuirk, Kelly) (Entered: 09/28/2017)
09/28/2017	<u>34</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 9/18/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar

		days...(McGuirk, Kelly) (Entered: 09/28/2017)
10/11/2017	<u>35</u>	MOTION for Partial Summary Judgment . Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Kaufman, Brett) (Entered: 10/11/2017)
10/11/2017	<u>36</u>	MEMORANDUM OF LAW in Support re: <u>35</u> MOTION for Partial Summary Judgment . . Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Kaufman, Brett) (Entered: 10/11/2017)
10/11/2017	<u>37</u>	DECLARATION of Anna Diakun in Support re: <u>35</u> MOTION for Partial Summary Judgment .. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit ACLU FOIA Request (March 15, 2017), # <u>2</u> Exhibit CIA Glomar Response (July 31, 2017), # <u>3</u> Exhibit Procedures for Approving Direct Action Against Terrorist Targets Located Outside of the United States and Areas of Active Hostilities (May 22, 2013), # <u>4</u> Exhibit Press Briefing #9 by Press Secretary Sean Spicer (Feb. 7, 2017), # <u>5</u> Exhibit Press Briefing by Press Secretary Sean Spicer #7 (Feb. 2, 2017), # <u>6</u> Exhibit Statement by Press Secretary Sean Spicer (Jan. 31, 2017))(Kaufman, Brett) (Entered: 10/11/2017)
10/27/2017	<u>38</u>	LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated October 27, 2017. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State.(Tinio, Rebecca) (Entered: 10/27/2017)
10/27/2017	<u>39</u>	ORDER granting <u>38</u> Letter Motion for Extension of Time. The briefing schedule proposed by the ACLU is approved. Oral argument is scheduled for 2 p.m. on Tuesday, December 19, 2017. So Ordered. (Motions due by 11/9/2017.) (Signed by Judge Paul A. Engelmayer on 10/27/17) (yv) (Entered: 10/27/2017)
10/27/2017		Set/Reset Deadlines: (Responses due by 11/28/2017, Replies due by 12/12/2017.), Set/Reset Hearings:(Oral Argument set for 12/19/2017 at 02:00 PM before Judge Paul A. Engelmayer.) (yv) (Entered: 10/27/2017)
11/03/2017	<u>40</u>	LETTER MOTION to Substitute Attorney. Old Attorney: Elizabeth Tulis, New Attorney: Rebecca Sol Tinio addressed to Judge Paul A. Engelmayer from Elizabeth Tulis dated November 3, 2017. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State.(Tulis, Elizabeth) (Entered: 11/03/2017)
11/03/2017	<u>41</u>	ORDER granting <u>40</u> Letter Motion to Substitute Attorney. Granted. The Court thanks Ms. Tulis for her excellent advocacy in this case and wishes her the best of luck in her future endeavors. SO ORDERED. (Attorney Elizabeth Tulis terminated.) (Signed by Judge Paul A. Engelmayer on 11/3/2017) (anc) (Entered: 11/03/2017)
11/09/2017	<u>42</u>	MOTION for Summary Judgment . Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 11/09/2017)
11/09/2017	<u>43</u>	MEMORANDUM OF LAW in Support re: <u>42</u> MOTION for Summary Judgment . <i>and in Opposition to Plaintiffs' Motion for Partial Summary Judgment</i> . Document filed by Central Intelligence Agency. (Tinio, Rebecca) (Entered: 11/09/2017)
11/09/2017	<u>44</u>	DECLARATION of Antoinette B. Shiner in Support re: <u>42</u> MOTION for Summary Judgment .. Document filed by Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A – March 16, 2017 CIA Letter)(Tinio, Rebecca) (Entered: 11/09/2017)
11/15/2017	<u>45</u>	LETTER MOTION for Extension of Time <i>to Complete FOIA Responses</i> addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated November 15, 2017. Document filed by Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Text of Proposed Order)(Tinio, Rebecca) (Entered: 11/15/2017)
11/17/2017	<u>46</u>	REVISED SCHEDULING ORDER granting <u>45</u> Letter Motion for Extension of Time. The Court, having considered the request of Defendants the Department of Defense, Department of State, and Department of Justice (on behalf of its component the Office of Legal Counsel) for additional time to complete their FOIA responses in this matter, hereby modifies the scheduling order previously entered on August 17, 2017 (Dkt. No. 28), and ORDERS as follows: 1. All Defendants, to the extent they have not already

		done so, shall provide a FOIA response on November 17, 2017. 2. The Department of State and the Office of Legal Counsel shall provide their final FOIA responses no later than December 15, 2017. 3. The Department of Defense shall provide an additional FOIA response on December 29, 2017, and its final FOIA response no later than January 31, 2018. 4. All Defendants that have provided FOIA responses (excepting "Glomar" responses) shall provide descriptions of withheld records by February 9, 2018. 5. The parties shall meet and confer by February 19, 2018, to identify any disputed issues. 6. The Government shall submit its pre-motion letter(s) regarding its FOIA compliance, and disputed issues that the parties have identified, by February 26, 2018. 7. Plaintiffs shall submit their response letter(s) by March 5, 2018, which shall include grounds for any anticipated cross-motion for summary judgment. (Signed by Judge Paul A. Engelmayer on 11/17/2017) (mro) (Entered: 11/17/2017)
11/28/2017	<u>47</u>	MEMORANDUM OF LAW in Opposition re: <u>42</u> MOTION for Summary Judgment . <i>and in Further Support of Plaintiffs' Motion for Partial Summary Judgment</i> . Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Kaufman, Brett) (Entered: 11/28/2017)
11/28/2017	<u>48</u>	DECLARATION of Anna Diakun in Opposition re: <u>42</u> MOTION for Summary Judgment .. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit Matt Spetalnick, Trump: Yemen Raid Was Success, Gathered Vital Intelligence (Feb. 28, 2017), # <u>2</u> Exhibit John Brennan, Director, CIA, Speech at the Council on Foreign Relations (Mar. 13, 2015), # <u>3</u> Exhibit John Brennan, Director, CIA, Remarks at the President's Associates Dinner at the University of Oklahoma (Feb. 26, 2014), # <u>4</u> Exhibit David H. Petraeus, Director, CIA, Statement on the Terrorist Threat Ten Years After 9/11 (Sept. 13, 2011), # <u>5</u> Exhibit Request Under Freedom of Information Act by Jonathan Manes, ACLU (Jan. 13, 2009), # <u>6</u> Exhibit Press Release, Dep't of Defense, U.S. Service Member Killed in Raid on Terrorists in Yemen (Jan. 29, 2017), # <u>7</u> Exhibit Michael Pompeo, Director, CIA, Aspen Security Forum 2017: The View from Langley (July 20, 2017), # <u>8</u> Exhibit About CIA: What We Do (last visited Nov. 28, 2017))(Kaufman, Brett) (Entered: 11/28/2017)
12/11/2017	<u>49</u>	LETTER MOTION for Extension of Time <i>and Enlargement of Page Limit</i> addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated December 11, 2017. Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 12/11/2017)
12/12/2017	<u>50</u>	ORDER granting <u>49</u> Letter Motion for Extension of Time. Granted. The Court extends the deadline for the CIA's reply brief to December 13, 2017, and authorizes that reply brief to be up to 25 pages in length. The Court, however, reminds the CIA that reply briefs should be limited to addressing arguments raised by plaintiffs and should not raise new issues. Finally, the Court wishes counsel the best in her family emergency. So Ordered. (Signed by Judge Paul A. Engelmayer on 12/12/17) (yv) (Entered: 12/12/2017)
12/12/2017		Set/Reset Deadlines: Replies due by 12/13/2017. (yv) (Entered: 12/12/2017)
12/12/2017	<u>51</u>	MEMO ENDORSEMENT: on re: <u>49</u> LETTER MOTION for Extension of Time <i>and Enlargement of Page Limit</i> addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated December 11, 2017, filed by Central Intelligence Agency. ENDORSEMENT: Granted. The Court extends the deadline for the CIA's reply brief to December 13, 2017, and authorizes that reply brief to be up to 25 pages in length. The Court, however, reminds the CIA that reply briefs should be limited to addressing arguments raised by plaintiffs and should not raise new issues. Finally, the Court wishes counsel the best in her family emergency. 12/12/2017(Replies due by 12/13/2017.) (Signed by Judge Paul A. Engelmayer on 12/12/2017) (ap) (Entered: 12/12/2017)
12/13/2017	<u>52</u>	REPLY MEMORANDUM OF LAW in Support re: <u>42</u> MOTION for Summary Judgment . . Document filed by Central Intelligence Agency. (Tinio, Rebecca) (Entered: 12/13/2017)
12/19/2017		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Oral Argument held on 12/19/2017. Anna Natalia Diakun & Brett Max Kaufman present for Plaintiff. Rebecca Sol Tinio & Sarah Normand present for Defendants. Court reporter present. (ajs) (Entered: 12/19/2017)

01/11/2018	<u>53</u>	LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated January 11, 2018 re: Notifying the Court of Recently Issued Case Law. Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 01/11/2018)
01/12/2018	<u>54</u>	LETTER addressed to Judge Paul A. Engelmayer from Anna Diakun dated January 12, 2018 re: Response to CIA Letter of January 11, 2018. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Diakun, Anna) (Entered: 01/12/2018)
01/30/2018	<u>55</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 12/19/2017 before Judge Paul A. Engelmayer. Court Reporter/Transcriber: Jennifer Thun, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/20/2018. Redacted Transcript Deadline set for 3/2/2018. Release of Transcript Restriction set for 4/30/2018.(McGuirk, Kelly) (Entered: 01/30/2018)
01/30/2018	<u>56</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 12/19/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 01/30/2018)
02/21/2018	<u>57</u>	LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated February 21, 2018. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Text of Proposed Order)(Tinio, Rebecca) (Entered: 02/21/2018)
02/23/2018	<u>58</u>	SECOND REVISED SCHEDULING ORDER granting <u>57</u> Letter Motion for Extension of Time. ORDERS as follows: The parties shall meet and confer by March 19, 2018, to identify any disputed issues. The Government shall submit its pre-motion letter(s) regarding its FOIA compliance, and disputed issues that the parties have identified, by March 26, 2018. Plaintiffs shall submit their response letter(s) by April 2, 2018, which shall include grounds for any anticipated cross-motion for summary judgment. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 2/23/2018) (anc) Modified on 4/19/2018 (anc). (Entered: 02/23/2018)
03/23/2018	<u>59</u>	LETTER MOTION for Extension of Time (<i>Joint Request</i>) addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated May 23, 2018. Document filed by Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Text of Proposed Order)(Tinio, Rebecca) (Entered: 03/23/2018)
03/27/2018	<u>60</u>	THIRD REVISED SCHEDULING ORDER: granting <u>59</u> Letter Motion for Extension of Time. By April 9, 2018, the Department of Defense shall provide Plaintiffs with responses to the clarification questions that Plaintiffs posed, and as further set forth in this order. (Signed by Judge Paul A. Engelmayer on 3/27/2018) (ap) (Entered: 03/27/2018)
04/23/2018	<u>61</u>	LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated April 23, 2018. Document filed by Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Text of Proposed Order)(Tinio, Rebecca) (Entered: 04/23/2018)
04/23/2018	<u>62</u>	FOURTH REVISED SCHEDULING ORDER. This matter comes before the Court upon the complaint of plaintiffs the American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the "ACLU" or "plaintiffs") seeking records from Defendants pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 (the "Request"). The Court, having considered Defendants' request, made on consent, for a revision of the remaining deadlines currently pending in this case, hereby modifies the revised scheduling order previously entered on March 27, 2018 (Dkt. No. 60), and ORDERS as follows: 1. By May 1, 2018, the Government shall submit its pre-motion letter(s) regarding its anticipated summary judgment motion and outstanding issues that the parties have identified. 2. By May 8, 2018, Plaintiffs shall submit their response letter(s), which shall include grounds for any anticipated

		cross-motion for summary judgment. So ordered. Granting <u>61</u> LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated April 23, 2018. Document filed by Department of Defense, Department of Justice, Department of State. (Signed by Judge Paul A. Engelmayer on 4/23/2018) (rjm) (Entered: 04/24/2018)
04/24/2018	<u>63</u>	ORDER. In light of the parties' anticipated letters regarding cross-motions for summary judgment, the Court sets a pre-motion conference for Friday, June 8, 2018 at 2:30 p.m. SO ORDERED. (Pre-Motion Conference set for 6/8/2018 at 02:30 PM before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 4/24/2018) (rjm) (Entered: 04/24/2018)
05/01/2018	<u>64</u>	LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated May 1, 2018 re: Anticipated Motion for Summary Judgment. Document filed by Department of Defense, Department of Justice, Department of State.(Tinio, Rebecca) (Entered: 05/01/2018)
05/08/2018	<u>65</u>	LETTER addressed to Judge Paul A. Engelmayer from Anna Diakun dated May 8, 2018 re: Anticipated Motion for Summary Judgment Against Defendants Department of Justice and Department of State and Partial Summary Judgment Against Defendant Department of Defense. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Diakun, Anna) (Entered: 05/08/2018)
06/08/2018		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Pre-Motion Conference held on 6/8/2018. Anna Natalia Diakun & Brett Max Kaufman present for Plaintiff. Rebecca Sol Tinio present for Defendants. Court reporter present (ajs) (Entered: 06/08/2018)
06/11/2018	<u>66</u>	JOINT LETTER addressed to Judge Paul A. Engelmayer from Anna Diakun dated June 11, 2018 re: Proposed Briefing Schedule. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Diakun, Anna) (Entered: 06/11/2018)
06/27/2018	<u>67</u>	OPINION & ORDER re: <u>35</u> MOTION for Partial Summary Judgment filed by American Civil Liberties Union, American Civil Liberties Union Foundation, <u>42</u> MOTION for Summary Judgment filed by Central Intelligence Agency. For the foregoing reasons, the CIA's motion for summary judgment is denied in full and the ACLU's motion for summary judgment is denied except as to FOIA request two, as to which it is granted. The CIA is directed to submit any new Glomar response with respect to requests one, three, four and five within two weeks of this order. Upon submission of such a response, the Court will entertain a joint proposal from counsel as to a prompt schedule for briefing the validity of such a response. If no such response is submitted, the CIA is directed promptly to produce responsive records and/or a Vaughn index to plaintiffs, as have the other three defendants. As to request two, the CIA is directed forthwith to collect records responsive to this request and to be prepared, after the status of the other four requests has been resolved, promptly to produce to the ACLU responsive materials and/or a Vaughn Index chronicling withheld materials. The Clerk of Court is respectfully directed to close the motions pending at Dkts. 35 and 42. (Signed by Judge Paul A. Engelmayer on 6/27/2018) (mro) (Entered: 06/27/2018)
07/02/2018	<u>68</u>	LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated July 2, 2018. Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 07/02/2018)
07/05/2018	<u>69</u>	LETTER MOTION for Extension of Time <i>to File Summary Judgment Motion</i> addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated July 5, 2018. Document filed by Department of Defense, Department of Justice, Department of State.(Tinio, Rebecca) (Entered: 07/05/2018)
07/09/2018	<u>70</u>	ORDER granting <u>69</u> LETTER MOTION for Extension of Time to File Summary Judgment Motion addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated July 5, 2018. Document filed by Department of Defense, Department of Justice, Department of State. Granted. The Court adopts the above described deadlines. So ordered. (Cross Motions due by 8/16/2018. Motions due by 7/17/2018). (Signed by Judge Paul A. Engelmayer on 7/9/2018) (rjm) (Entered: 07/10/2018)

07/09/2018		Set/Reset Deadlines: (Responses due by 8/30/2018. Replies due by 9/14/2018). (rjm) (Entered: 07/10/2018)
07/09/2018	<u>71</u>	ORDER granting <u>68</u> LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated July 2, 2018. Document filed by Central Intelligence Agency. Granted. The CIA's updated Glomar response is due July 18, 2017. So ordered. (Signed by Judge Paul A. Engelmayer on 7/9/2018) (rjm) (Entered: 07/10/2018)
07/16/2018	<u>72</u>	LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated July 16, 2018. Document filed by Department of Defense, Department of Justice, Department of State.(Tinio, Rebecca) (Entered: 07/16/2018)
07/17/2018	<u>73</u>	ORDER granting <u>72</u> LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated July 16, 2018. Document filed by Department of Defense, Department of Justice, Department of State. Granted. The Court wishes Ms. Tinio a swift recovery. So ordered. (Cross Motions due by 8/21/2018. Motions due by 7/20/2018). (Signed by Judge Paul A. Engelmayer on 7/16/2018) (rjm) (Entered: 07/17/2018)
07/17/2018		Set/Reset Deadlines: Responses due by 9/4/2018. Replies due by 9/18/2018. (rjm) (Entered: 07/17/2018)
07/20/2018	<u>74</u>	MOTION for Summary Judgment . Document filed by Department of Defense, Department of Justice, Department of State.(Tinio, Rebecca) (Entered: 07/20/2018)
07/20/2018	<u>75</u>	MEMORANDUM OF LAW in Support re: <u>74</u> MOTION for Summary Judgment . . Document filed by Department of Defense, Department of Justice, Department of State. (Tinio, Rebecca) (Entered: 07/20/2018)
07/20/2018	<u>76</u>	DECLARATION of Rear Admiral James J. Malloy in Support re: <u>74</u> MOTION for Summary Judgment .. Document filed by Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – DOD Vaughn Index)(Tinio, Rebecca) (Entered: 07/20/2018)
07/20/2018	<u>77</u>	DECLARATION of Major General Terry Ferrell in Support re: <u>74</u> MOTION for Summary Judgment .. Document filed by Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Exhibit A – OCA Memo, # <u>2</u> Exhibit B – FOIA Request, # <u>3</u> Exhibit DOD Vaughn Index)(Tinio, Rebecca) (Entered: 07/20/2018)
07/20/2018	<u>78</u>	DECLARATION of Eric F. Stein in Support re: <u>74</u> MOTION for Summary Judgment .. Document filed by Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – March 21, 2017 acknowledgment, # <u>3</u> Exhibit C – November 17, 2017 response, # <u>4</u> Exhibit D – December 15, 2017 response, # <u>5</u> Exhibit E – July 18, 2018 response)(Tinio, Rebecca) (Entered: 07/20/2018)
07/20/2018	<u>79</u>	DECLARATION of Paul P. Colborn in Support re: <u>74</u> MOTION for Summary Judgment .. Document filed by Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – March 24, 2017 acknowledgment, # <u>3</u> Exhibit C – November 17, 2017 response, # <u>4</u> Exhibit D – December 15, 2017 response)(Tinio, Rebecca) (Entered: 07/21/2018)
08/17/2018	<u>80</u>	LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated August 17, 2018 re: Status Report and Request for Leave to Submit Further Status Report. Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 08/17/2018)
08/20/2018	<u>81</u>	DECLARATION of Mark Herrington in Support re: <u>74</u> MOTION for Summary Judgment .. Document filed by Department of Defense, Department of Justice, Department of State. (Attachments: # <u>1</u> Exhibit Revised Vaughn Index)(Tinio, Rebecca) (Entered: 08/20/2018)
08/21/2018	<u>82</u>	MEMO ENDORSEMENT on re: <u>80</u> Letter regarding Status Report and Request for Leave to Submit Further Status Report filed by Central Intelligence Agency. ENDORSEMENT: Granted. The parties are directed to file a joint status report by

		Friday, October 5, 2018. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 8/21/2018) (rj) (Entered: 08/21/2018)
08/21/2018	<u>83</u>	CROSS MOTION for Summary Judgment <i>Against Defendant Department of State and Partial Summary Judgment Against Defendant Department of Defense</i> . Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Diakun, Anna) (Entered: 08/21/2018)
08/21/2018	<u>84</u>	MEMORANDUM OF LAW in Support re: <u>83</u> CROSS MOTION for Summary Judgment <i>Against Defendant Department of State and Partial Summary Judgment Against Defendant Department of Defense. and in Opposition to Defendants' Motion for Summary Judgment</i> . Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Diakun, Anna) (Entered: 08/21/2018)
08/21/2018	<u>85</u>	DECLARATION of Anna Diakun in Support re: <u>83</u> CROSS MOTION for Summary Judgment <i>Against Defendant Department of State and Partial Summary Judgment Against Defendant Department of Defense..</i> Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45)(Diakun, Anna) (Entered: 08/21/2018)
08/29/2018	<u>86</u>	LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated August 29, 2018. Document filed by Department of Defense, Department of State.(Tinio, Rebecca) (Entered: 08/29/2018)
08/30/2018	<u>87</u>	ORDER granting <u>86</u> Letter Motion for Extension of Time. Granted. On or before September 21, 2018, DOS and DOD shall release re-processed versions of the remaining challenged documents to plaintiffs, where additional information may be released. On or before September 28, 2018, plaintiffs shall inform the Government which documents they continue to challenge. DOS and DOD shall file their opposition/reply brief on or before October 12, 2018. Finally, plaintiffs shall file their reply brief, if necessary, on or before October 26, 2018. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 8/30/2018) (anc) (Entered: 08/30/2018)
08/30/2018		Set/Reset Deadlines: Responses due by 10/12/2018. Replies due by 10/26/2018. (anc) (Entered: 08/30/2018)
09/20/2018	<u>88</u>	LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated September 20, 2018. Document filed by Department of Defense, Department of State.(Tinio, Rebecca) (Entered: 09/20/2018)
09/24/2018	<u>89</u>	ORDER granting <u>88</u> Letter Motion for Extension of Time. Granted. On September 28, 2018, DOS and DOD shall release re-processed versions of remaining challenged documents, if additional information may be released, to plaintiffs. On October 5, 2018, plaintiffs shall inform the government which documents plaintiffs continue to challenge. On October 19, 2018, DOS and DOD shall file their opposition/reply brief, if necessary. On November 3, 2018, plaintiffs shall file their reply brief, if necessary. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 9/20/2018) (anc) Modified on 9/25/2018 (anc). (Entered: 09/24/2018)
09/24/2018		Set/Reset Deadlines: Responses due by 10/19/2018. Replies due by 11/3/2018. (anc) (Entered: 09/24/2018)
10/05/2018	<u>90</u>	LETTER MOTION for Extension of Time addressed to Judge Paul A. Engelmayer from Anna Diakun dated October 5, 2018. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Text of Proposed Order)(Diakun, Anna) (Entered: 10/05/2018)
10/05/2018	<u>91</u>	LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated October 5, 2018 re: Status Report and Request for Leave to Submit Further Status

		Report. Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 10/05/2018)
10/11/2018	<u>92</u>	MEMO ENDORSEMENT on re: <u>91</u> Letter filed by Central Intelligence Agency. ENDORSEMENT: The Court appreciates this update. The parties are directed to provide a further status report no later than Friday, October 12, 2018, with respect to proposed next steps in this matter. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 10/11/2018) (anc) (Entered: 10/11/2018)
10/11/2018	<u>93</u>	REVISED SCHEDULING ORDER granting <u>90</u> Letter Motion for Extension of Time. The Court ORDERS as follows: By October 19, 2018, Plaintiffs shall inform the government which documents Plaintiffs continue to challenge. By November 7, 2018, Defendants Department of State and Department of Defense shall file their opposition/reply brief, if necessary (25 pages). By November 28, 2018, Plaintiffs shall file their reply brief, if necessary (25 pages). SO ORDERED. (Signed by Judge Paul A. Engelmayer on 10/11/2018) (anc) (Entered: 10/11/2018)
10/12/2018	<u>94</u>	LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated October 12, 2018 re: Rebecca S. Tinio. Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 10/12/2018)
10/15/2018	<u>95</u>	MEMO ENDORSEMENT on re: <u>94</u> LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated October 12, 2018 re: Rebecca S. Tinio. Document filed by Central Intelligence Agency. ENDORSEMENT: So ordered. (Signed by Judge Paul A. Engelmayer on 10/12/2018) (rjm) (Entered: 10/15/2018)
11/05/2018	<u>96</u>	LETTER MOTION for Extension of Time (<i>to Modify Schedule</i>) addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated November 5, 2018. Document filed by Department of Defense, Department of State.(Tinio, Rebecca) (Entered: 11/05/2018)
11/07/2018	<u>97</u>	ORDER granting <u>96</u> Letter Motion for Extension of Time. Granted. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 11/7/2018) (anc) (Entered: 11/07/2018)
11/09/2018	<u>98</u>	LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated November 9, 2018 re: Status Report and Request for Approval of Joint Proposal. Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 11/09/2018)
11/13/2018	<u>99</u>	MEMO ENDORSEMENT on re: <u>98</u> Letter filed by Central Intelligence Agency. ENDORSEMENT: Granted. The Court appreciates this update. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 11/13/2018) (jca) (Entered: 11/13/2018)
12/11/2018	<u>100</u>	LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated December 11, 2018 re: Status Report and Request for Leave to Submit Further Status Report. Document filed by Central Intelligence Agency.(Tinio, Rebecca) (Entered: 12/11/2018)
12/13/2018	<u>101</u>	MEMO ENDORSEMENT on re: <u>100</u> Letter filed by Central Intelligence Agency. ENDORSEMENT: The Court appreciates this update. The parties are directed to submit a status report no later than December 18, 2018. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 12/12/2018) (anc) (Entered: 12/13/2018)
12/18/2018	<u>102</u>	LETTER addressed to Judge Paul A. Engelmayer from Rebecca S. Tinio dated December 18, 2018 re: Status Report and Joint Scheduling Request. Document filed by Central Intelligence Agency, Department of Defense, Department of State.(Tinio, Rebecca) (Entered: 12/18/2018)